

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

BERNARD BECHARD,
Plaintiff,

VS

AARGON AGENCY, INC.,
Defendant.

Case No.: 2:15-cv-01181-GMN-PAL

**DEFENDANT AARGON AGENCY,
INC.'S ANSWER TO PLAINTIFF'S
COMPLAINT**

COMES NOW, Defendant Aargon Agency, by and through its attorneys of record, Mark J. Bourassa, Esq. and Trent L. Richards of The Bourassa Law Group, LLC, and answers Plaintiff's Complaint as follows:

JURISDICTION

1. Answering Paragraph 1 of Plaintiff's Complaint, Defendant denies the allegations contained therein.
2. Answering Paragraph 2 of Plaintiff's Complaint, Defendant denies the allegations contained therein.
3. Answering Paragraph 3 of Plaintiff's Complaint, Defendant admits the allegations contained therein.

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PARTIES

4. Answering Paragraph 4 of Plaintiff's Complaint, Defendant is without sufficient knowledge or information to form a belief as to the truth of the allegations contained therein, and therefore denies the same.
5. Answering Paragraph 5 of Plaintiff's Complaint, Defendant is without sufficient knowledge or information to form a belief as to the truth of the allegations contained therein, and therefore denies the same.
6. Answering Paragraph 6 of Plaintiff's Complaint, Defendant is without sufficient knowledge or information to form a belief as to the truth of the allegations contained therein, and therefore denies the same.
7. Answering Paragraph 7 of Plaintiff's Complaint, Defendant admits the allegations contained therein.
8. Answering Paragraph 8 of Plaintiff's Complaint, Defendant admits the allegations contained therein.
9. Answering Paragraph 9 of Plaintiff's Complaint, Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained therein, and therefore, denies the same.
10. Answering Paragraph 10 of Plaintiff's Complaint, Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained therein, and therefore denies the same.

ALLEGATIONS APPLICABLE TO ALL COUNTS

A. The Debt

11. Answering Paragraph 11 of Plaintiff's Complaint, Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained therein, and therefore denies the same.
12. Answering Paragraph 12 of Plaintiff's Complaint, Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained therein, and therefore denies the same.

1 13. Answering Paragraph 13 of Plaintiff's Complaint, Defendant is without knowledge
2 or information sufficient to form a belief as to the truth of the allegations contained
3 therein, and therefore denies the same.

4 14. Answering Paragraph 14 of Plaintiff's Complaint, Defendant denies the allegations
5 contained therein.

6 **B. AARGON Engages in Harassment and Abusive Tactics**

7 15. Answering Paragraph 15 of Plaintiff's Complaint, Defendant is without knowledge
8 or information sufficient to form a belief as to the truth of the allegations contained
9 therein, and therefore denies the same.

10 16. Answering Paragraph 16 of Plaintiff's Complaint, Defendant is without knowledge
11 or information sufficient to form a belief as to the truth of the allegations contained
12 therein, and therefore denies the same.

13 17. Answering Paragraph 17 of Plaintiff's Complaint, Defendant is without knowledge
14 or information sufficient to form a belief as to the truth of the allegations contained
15 therein, and therefore denies the same.

16 18. Answering Paragraph 18 of Plaintiff's Complaint, Defendant is without knowledge
17 or information sufficient to form a belief as to the truth of the allegations contained
18 therein, and therefore denies the same.

19 19. Answering Paragraph 19 of Plaintiff's Complaint, Defendant is without knowledge
20 or information sufficient to form a belief as to the truth of the allegations contained
21 therein, and therefore, denies the same.

22 20. Answering Paragraph 20 of Plaintiff's Complaint, Defendant is without knowledge
23 or information sufficient to form a belief as to the truth of the allegations contained
24 therein, and therefore denies the same.

25 21. Answering Paragraph 21 of Plaintiff's Complaint, Defendant is without knowledge
26 or information sufficient to form a belief as to the truth of the allegations contained
27 therein, and therefore denies the same.

28 22. Answering Paragraph 22 of Plaintiff's Complaint, Defendant is without knowledge

1 or information sufficient to form a belief as to the truth of the allegations contained
2 therein, and therefore denies the same.

3 23. Answering Paragraph 23 of Plaintiff's Complaint, Defendant is without knowledge
4 or information sufficient to form a belief as to the truth of the allegations contained
5 therein, and therefore denies the same.

6 24. Answering Paragraph 23 of Plaintiff's Complaint, Defendant is without knowledge
7 or information sufficient to form a belief as to the truth of the allegations contained
8 therein, and therefore denies the same.

9 25. Answering Paragraph 25 of Plaintiff's Complaint, Defendant is without knowledge
10 or information sufficient to form a belief as to the truth of the allegations contained
11 therein, and therefore denies the same.

12 26. Answering Paragraph 26 of Plaintiff's Complaint, Defendant is without knowledge
13 or information sufficient to form a belief as to the truth of the allegations contained
14 therein, and therefore denies the same.

15 27. Answering Paragraph 27 of Plaintiff's complaint, Defendant is without knowledge or
16 information sufficient to form a belief as to the truth of the allegations contained
17 therein, and therefore denies the same.

18 28. Answering Paragraph 28 of Plaintiff's Complaint, Defendant is without knowledge
19 or information sufficient to form a belief as to the truth of the allegations contained
20 therein, and therefore denies the same.

21 29. Answering Paragraph 29 of Plaintiff's Complaint, Defendant is without knowledge
22 or information sufficient to form a belief as to the truth of the allegations contained
23 therein, and therefore denies the same.

24 30. Answering Paragraph 30 of Plaintiff's Complaint, Defendant is without knowledge
25 or information sufficient to form a belief as to the truth of the allegations contained
26 therein, and therefore denies the same.

27 31. Answering Paragraph 31 of Plaintiff's Complaint, Defendant is without knowledge
28 or information sufficient to form a belief as to the truth of the allegations contained

1 therein, and therefore denies the same.

2 32. Answering Paragraph 32 of Plaintiff's Complaint, Defendant is without knowledge
3 or information sufficient to form a belief as to the truth of the allegations contained
4 therein, and therefore denies the same.

5 33. Answering Paragraph 33 of Plaintiff's Complaint, Defendant is without knowledge
6 or information sufficient to form a belief as to the truth of the allegations contained
7 therein, and therefore denies the same.

8 34. Answering Paragraph 34 of Plaintiff's Complaint, Defendant admits that Plaintiff
9 made phone calls to Aargon in May 2015 and denies the remaining allegations in
10 Paragraph 34.

11 35. Answering Paragraph 35 of Plaintiff's Complaint, Defendant admits that when
12 Plaintiff called Aargon he was connected to an Aargon representative and denies the
13 remaining allegations in Paragraph 35.

14 36. Answering Paragraph 36 of Plaintiff's Complaint, Defendant admits the allegations
15 contained therein.

16 37. Answering Paragraph 37 of Plaintiff's Complaint, Defendant denies the allegations
17 contained therein.

18 38. Answering Paragraph 38 of Plaintiff's Complaint, Defendant denies the allegations
19 contained therein.

20 39. Answering Paragraph 39 of Plaintiff's Complaint, Defendant denies the allegations
21 contained therein.

22 40. Answering Paragraph 40 of Plaintiff's Complaint, Defendant denies the allegations
23 contained therein.

24 41. Answering Paragraph 41 of Plaintiff's Complaint, Defendant denies the allegations
25 contained therein.

26 42. Answering Paragraph 42 of Plaintiff's Complaint, Defendant denies the allegations
27 contained therein.

28 43. Answering Paragraph 43 of Plaintiff's Complaint, Defendant is without knowledge

1 or information sufficient to form a belief as to the truth of the allegations contained
2 therein, and therefore denies the same.

3 44. Answering Paragraph 44 of Plaintiff's Complaint, Defendant denies the allegations
4 contained therein.

5 45. Answering Paragraph 45 of Plaintiff's Complaint, Defendant denies the allegations
6 contained therein.

7 46. Answering Paragraph 46 of Plaintiff's Complaint, Defendant admits that it called
8 Plaintiff on June 17, 2015 and Defendant denies all other allegations in Paragraph
9 46.

10 47. Answering Paragraph 47 of Plaintiff's Complaint, Defendant is without knowledge
11 or information sufficient to form a belief as to the truth of the allegations regarding
12 that Plaintiff obtained his credit reports on June 17, 2015. Defendant denies all other
13 allegations in Paragraph 47.

14 48. Answering Paragraph 48 of Plaintiff's Complaint, Defendant denies the allegations
15 contained therein.

16 49. Answering Paragraph 49 of Plaintiff's Complaint, Defendant admits that Nick called
17 Plaintiff on June 19, 2015 and denies all other allegations in Paragraph 49.

18 50. Answering Paragraph 50 of Plaintiff's Complaint, Defendant denies the allegations
19 contained therein.

20 51. Answering Paragraph 51 of Plaintiff's Complaint, Defendant is without knowledge
21 or information sufficient to form a belief as to the truth of the allegations contained
22 therein, and therefore denies the same.

23 **C. Plaintiff Suffered Actual Damages**

24 52. Answering Paragraph 52 of Plaintiff's Complaint, Defendant denies the allegations
25 contained therein.

26 53. Answering Paragraph 53 of Plaintiff's Complaint, Defendant denies the allegations
27 contained therein.

28 54. Answering Paragraph 54 of Plaintiff's Complaint, Defendant is without knowledge

1 or information sufficient to form a belief as to the truth of the allegations contained
2 therein, and therefore denies the same.

3 **D. Respondeat Superior Liability**

4 55. Answering Paragraph 55 of Plaintiff's Complaint, Defendant is without knowledge
5 or information sufficient to form a belief as to the truth of the allegations contained
6 therein, and therefore denies the same.

7 56. Answering Paragraph 56 of Plaintiff's Complaint, Defendant denies the allegations
8 contained therein.

9 57. Answering Paragraph 57 of Plaintiff's Complaint, Defendant denies the allegations
10 contained therein.

11 58. Answering Paragraph 58 of Plaintiff's Complaint, Defendant denies the allegations
12 contained therein.

13 **COUNT I**

14 **VIOLATIONS OF THE FDCPA – 15 U.S.C. §1692, et seq.**

15 59. Answering Paragraph 59 of Plaintiff's Complaint, Defendant repeats, realleges and
16 incorporated by reference all preceding paragraphs as though fully stated herein.

17 60. Answering Paragraph 60 of Plaintiff's Complaint, Defendant denies the allegations
18 contained therein.

19 61. Answering Paragraph 61 of Plaintiff's Complaint, Defendant denies the allegations
20 contained therein.

21 62. Answering Paragraph 62 of Plaintiff's Complaint, Defendant denies the allegations
22 contained therein.

23 63. Answering Paragraph 63 of Plaintiff's Complaint, Defendant denies the allegations
24 contained therein.

25 64. Answering Paragraph 64 of Plaintiff's Complaint, Defendant denies the allegations
26 contained therein.

27 65. Answering Paragraph 65 of Plaintiff's Complaint, Defendant denies the allegations
28 contained therein.

66. Answering Paragraph 66 of Plaintiff's Complaint, Defendant denies the allegations contained therein.

67. Answering Paragraph 67 of Plaintiff's Complaint, Defendant denies the allegations contained therein.

68. Answering Paragraph 68 of Plaintiff's Complaint, Defendant denies the allegations contained therein.

69. Answering Paragraph 69 of Plaintiff's Complaint, Defendant denies the allegations contained therein.

70. Answering Paragraph 70 of Plaintiff's Complaint, Defendant denies the allegations contained therein.

71. Answering Paragraph 71 of Plaintiff's Complaint, Defendant denies the allegations contained therein.

COUNT II

HARASSMENT

72. Answering Paragraph 72 of Plaintiff's Complaint, Defendant repeats, realleges and incorporated by reference all preceding paragraphs as though fully stated herein.

73. Answering Paragraph 73 of Plaintiff's Complaint, Defendant denies the allegations contained therein.

74. Answering Paragraph 74 of Plaintiff's Complaint, Defendant denies the allegations contained therein.

COUNT III

(Against All Defendants for Violations of NRS 41.1395)

75. Answering Paragraph 75 of Plaintiff's Complaint, Defendant repeats, realleges and incorporated by reference all preceding paragraphs as though fully stated herein.

76. Answering Paragraph 76 of Plaintiff's Complaint, Defendant denies the allegations contained therein.

77. Answering Paragraph 77 of Plaintiff's Complaint, Defendant denies the allegations contained therein.

78. Answering Paragraph 78 of Plaintiff's Complaint, Defendant denies the allegations contained therein.

79. Answering Paragraph 79 of Plaintiff's Complaint, Defendant denies the allegations contained therein.

AFFIRMATIVE DEFENSES

1. The answering Defendant alleges that the Plaintiff's Complaint and each and every cause of action stated therein fails to state facts sufficient to constitute a cause of action, or any cause of action, as against the answering Defendants.
2. The answering Defendant is informed and believes and thereon alleges that if Plaintiff herein suffered or sustained any loss, injury, damage or detriment, the same was directly and proximately caused and contributed to by the breach of warranty, breach of fiduciary duty, conduct, acts, omissions, activities, carelessness, recklessness and negligence of said Plaintiff and its members, officers, directors, agents and employees, thereby completely or partially barring Plaintiff's recovery herein.
3. The answering Defendant is informed and believes and thereon alleges that it is not legally responsible in any fashion with respect to damages and injuries claimed by Plaintiff in the Complaint; however, if the answering Defendant is subjected to any liability to Plaintiff or any other party herein, it will be due, in whole or in part, to the strict liability, breach of fiduciary duty, breach of warranty, acts, omissions, activities, carelessness, recklessness and negligence of others; wherefore, any recovery obtained by Plaintiff or any other party herein against the answering Defendant should be reduced in proportion to the respective fault and legal responsibility of all other parties, persons and entities, their agents, servants and employees who contributed to and/or caused any such injury and/or damages.
4. The answering Defendant is informed and believe and thereon alleges that the Complaint and each and every cause of action contained therein is barred by the applicable Statutes of Limitation or Repose, or have been settled, resolved, waived or

1 released by Plaintiff as against the answering Defendant.

2 5. The answering Defendant is informed and believes and thereon alleges that as to each
3 alleged cause of action, Plaintiff has failed, refused and neglected to take reasonable
4 steps to mitigate the alleged damages, if any, thus barring or diminishing Plaintiff's
5 recovery herein.

6 6. The answering Defendant is informed and believes and thereon alleges that Plaintiff
7 failed to give adequate notice of any of Plaintiff's allegations, and that there was delay
8 in giving notice of any such allegations within a reasonable time of the discovery of the
9 allegations and/or from a point in time when the allegations should have been
10 discovered.

11 7. The answering Defendant is informed and believes and thereon alleges that Plaintiff
12 unreasonably delayed the filing of the Complaint and the notification to the answering
13 Defendant of the allegations contained within Plaintiff's Complaint and the basis for
14 the causes of action alleged against them, all of which has unduly and severely
15 prejudiced the answering Defendant in his defense of the action, thereby barring or
16 diminishing Plaintiff's recovery herein under the doctrine of estoppel, waiver and/or
17 laches.

18 8. The answering Defendant is informed and believes and thereon alleges that the injuries
19 and damages of which Plaintiff complains were proximately caused by or contributed
20 to by the acts of other Defendants, persons and/or other entities and that said acts were
21 an intervening and superseding cause of the injuries and damages, if any, of which the
22 Plaintiff complains, thus barring Plaintiff from any recovery against this answering
23 Defendant.

24 9. The answering Defendant is informed and believes and thereon alleges that Plaintiff is
25 barred by the equitable doctrine of unclean hands from obtaining the relief requested.

26 10. The answering Defendant is informed and believes and thereon alleges that he has
27 appropriately, completely and fully performed and discharged any and all obligations
28 and legal duties arising out of the matters alleged in the Complaint.

11. The answering Defendant is informed and believes and thereon alleges that at no time prior to the filing of this action did Plaintiffs, or any agent, representative or employee(s) thereof, notify Defendant of any allegations contained within Plaintiff's Complaint. By failing to notify Defendant, Plaintiff is barred from any alleged right to recovery from Defendant. Furthermore, Defendant alleges that Plaintiff is barred from any recovery in this action because Defendant at all times complied with the applicable standard of care required at the time and location where the services were rendered.
12. The answering Defendant is informed and believes and thereon alleges that it is entitled to a setoff according to proof.
13. Plaintiff has failed to join all necessary and indispensable parties for full and final resolution of this lawsuit.
14. This answering Defendant is informed and believes, and on that basis alleges, that any and all injuries, losses or damages, if any, were the direct and proximate result of an unavoidable incident of condition and, as such, were an act of God, without fault or liability on the part of the Defendant.
15. This answering Defendant is informed and believes, and on that basis alleges, that at no time prior to the filing of this action did Plaintiffs, or any agent, representative or employee(s) thereof, notify these Defendant of any breach of any contract, warranty or duty to Plaintiffs. By failing to notify, Plaintiffs are barred from any alleged right to recovery from this answering Defendant.
16. The answering Defendant is informed and believes and thereon alleges that the injuries and damages of which Plaintiff complains were the result of a *bona fide* error.
17. All possible affirmative defenses may not have been alleged herein insofar as sufficient facts were not available after reasonable inquiry upon the filing of this Answer, and therefore, Defendant reserves the right to amend the Answer to allege additional affirmative defenses if subsequent investigation so warrants.

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PRAYER FOR RELIEF

WHEREFORE Defendant prays for judgment against Plaintiff as follows:

1. That Plaintiff take nothing by way of this action;
2. For costs of suit incurred herein;
3. For attorneys fees and costs; and,
4. For all other such relief that this court deems just and proper.

DATED this 2nd day of July, 2015

THE BOURASSA LAW GROUP, LLC

By: 

MARK J. BOURASSA, ESQ.

Nevada Bar No. 7999

TRENT L. RICHARDS, ESQ.

Nevada Bar No. 14488

8668 Spring Mountain Road, Ste. 101

Las Vegas, Nevada 89117

Attorney for Defendant

VERIFICATION OF ANSWER TO COMPLAINT

STATE OF NEVADA)
)ss.
COUNTY OF CLARK)

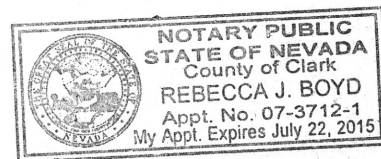
Duane Christy, having been duly sworn, hereby states as follows: I am the President for Defendant, Aargon Agency, Inc. I have read the foregoing DEFENDANT AARGON AGENCY, INC'S ANSWER TO PLAINTIFF'S COMPLAINT and affirm that the responses are correct to the best of my knowledge.

AARGON AGENCY, INC.

BY: 

SUBSCRIBED AND SWORN to
Before me this 2 day of
July 2015.

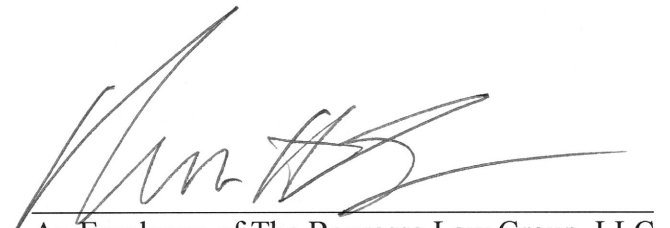

NOTARY PUBLIC



CERTIFICATE OF SERVICE

It is hereby certified that on the 2nd day of July 2015, I served a true and correct copy of the foregoing document entitled DEFENDANT AARGON AGENCY, INC'S ANSWER TO PLAINTIFF'S COMPLAINT via the Court's electronic filing and notification service, or as appropriate, by sending a copy thereof by first-class mail from Las Vegas, Nevada, addressed to the following addressee(s):

David H. Krieger, Esq.
Haines & Krieger LLC
8985 S. Eastern Avenue, Ste 350
Henderson, NV 89129



An Employee of The Bourassa Law Group, LLC